

Order Below Exh.81
(Passed on 15/11/2025)

This is an application filed by defendant nos. 4 and 5 for setting aside the order dated 18/10/2025, whereby the cross-examination of defendant no. 4 by defendant nos. 2 and 3 was closed. By filing this application, the applicants pray to set aside the said order and seek permission to allow defendant nos. 2 and 3 to complete the cross-examination of defendant no. 4.

2. It is submitted that defendant no. 4 could not remain present on 18/10/2025 as he was busy with personal work and, therefore, filed an adjournment application. However, the Hon'ble Court passed the order closing his cross-examination. It is submitted that his absence was not intentional, and he is ready to remain present for further cross-examination. It is further submitted that one opportunity may be granted in the interest of justice, as valuable rights are involved in the present suit for permanent injunction.

3. Defendant nos. 2 and 3 have filed their say opposing the application. It is submitted that sufficient time and opportunity were granted, but defendant no. 4 remained absent without sufficient cause, and the present application deserves to be rejected with heavy costs.

4. On perusal of the record, it appears that the cross-examination of defendant No. 4 was partly conducted by defendant nos. 2 and 3, and thereafter, the matter was adjourned on several

occasions for completion of the further cross-examination of defendant No. 4. However, despite opportunities, defendant No. 4 remained absent, and therefore, the Court has closed the cross-examination on 18/10/2025. The present suit is now at the stage of final arguments. However, considering that the cross-examination is partly conducted and to afford a fair and just opportunity to the parties, it will be appropriate to allow the present application subject to payment of costs. No prejudice would be caused to defendant Nos. 2 and 3 if they are permitted to complete the cross-examination of defendant No. 4 on payment of costs. Hence, I pass the following order.

ORDER

1. The application is allowed
2. The order dated 18/10/2025 closing the cross-examination of defendant no. 4 by defendant nos. 2 and 3 is hereby set aside, subject to payment of costs of Rs. 1,000/- (One Thousand Rupees) to defendant nos. 2 and 3.
3. No further adjournment shall be granted on any ground.

Date :15/11/2025

(Shailesh R. Satbhai)
Civil Judge Junior Division,
Seloo.

CERTIFICATE

I affirm that the contents of this P.D.F. file is same, word to word as per the original.

(R. M. Khan)
Stenographer (Grade-III)